StratusWave COMMUNICATIONS®
BROADBAND INTERNET, VOICE, DATA, AND MULTIMEDIA

December 14, 2010

Via ECFS
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Written Ex Parte Presentation*
ET Docket Nos. 09-191 and WC Docket No. 07-52

Dear Ms. Dortch:

Our company, StratusWave Communications, provides Fixed Wireless broadband service in the rural Appalachia regions of West Virginia.. We rely primarily on unlicensed spectrum to deliver broadband services to consumers that have no [or few] broadband choices. We built significant portions of our network from using devices authorized under Part 15 rules the FCC adopted to open up 900 MHz, 2.4 GHz, and 5 GHz spectrum for unlicensed broadband devices. Thanks to the Commission's initiatives; consumers, businesses, and government services in our service area can now get broadband service. Our service area is mainly rural and we have many challenges to overcome to provide our customers a reliable and cost effective broadband experience. Fixed Wireless Networks operate in a point to multipoint fashion, and by design several users share one base station transceiver. We need the flexibility to monitor and control the utilization of the resources of the base station transceiver, our middle mile transport, all the way to and from the internet to insure that ALL of our users can enjoy the broadband experience that they have come to expect. We accomplish this via several hands on methods that do not include deep packet inspection. We implore the FCC to not mandate any requirement that ultimately leads to our being forced to perform deep packet inspection including but not limited to turning the ISP into the internet police. We have neither the resources nor the desire to perform such invasive techniques on our customer's internet traffic.

StratusWave Communications is concerned that certain Network Neutrality rules, if adopted, would severely and adversely affect our ability to continue to provide our customers with affordable Fixed Wireless broadband services. It is our understanding that although mobile broadband will have a special set of rules, Fixed Wireless broadband will be lumped in with traditional wired services and be subject to a stricter set of rules. We feel that the Network Neutrality rules imposed on Fixed Wireless broadband should be no more rigid than the rules that will apply to mobile wireless broadband providers. The physics of wireless technology and delivery necessitate a relaxed set of rules for all wireless technologies.

Many of the proposed rules will destroy our industry, our business and our customers' Internet experience. We believe wireless networks, either Fixed or mobile, will be unable to operate effectively if the definition of what constitutes "reasonable" network management practices does not account for the unique obstacles faced by small businesses with congested networks, bandwidth constraints, tower and middle-mile access limitations and a lack of investment capital. **For many households in rural America, this will mean the loss of broadband services entirely at a time when the country is seeking to accomplish ubiquitous coverage.**

MULL CENTER • 1025 MAIN STREET, SUITE 900 • WHEELING, WV 26003
304-233-5343 • 877-233-5343(toll free) • Fax: 304-233-5356
Email: info@stratuswave.com • www.stratuswave.com

We need to face the reality that content delivery and demand is outpacing the technology and spectrum available to meet consumer demands, especially for Fixed Wireless networks that have limited spectrum, capacity and throughput. Many regions of our country do not have the wireline broadband infrastructure available to meet this demand. The past has proven that often times it is economically unfeasible to build new wireline infrastructure in rural areas; thus Fixed Wireless broadband is often the only economical delivery mechanism to deliver quality broadband services to those households that have been overlooked or bypassed by traditional wireline Internet providers.

It should not be taken lightly that the FCC was charged by the ARRA to write a National Broadband Plan so that all Americans could receive affordable broadband service. If the proposed rules are approved, this one action alone would cripple this goal. Why would the FCC protect one method of wireless broadband delivery and not apply the same good fortune to a similar technology that is in place and actively servicing many people and businesses today? As Fixed Wireless technology improves, and more spectrum is opened to the Fixed Wireless industry, then a more relaxed set of Network Neutrality rules may be revisited in the future, but **now is not the proper time.**

In nearly every industry in the world, flow is managed, whether it is sewer systems, hydraulic fluid, natural gas, air traffic, the highway system, or countless other systems. Flow management is essential for orderly delivery of a medium in a safe and effective process. Data is no different than anything mentioned above. Without proper management, systems will fail and the data highways will be disrupted, leaving millions of businesses and residents without service.

Companies that are building and maintaining the data highways should be able to control and manage the traffic coming in and out of their network as they see fit, in order to effectively deliver the high levels of sustained traffic that are starting to clog the Internet.

The majority of Fixed Wireless networks have been completely funded with private funds and organic growth. As Internet traffic grows exponentially, Fixed Wireless broadband providers are seeing not only their middle mile transport costs increasing but last mile transport costs increasing exponentially as well. Given the state of our current economy, we do not feel that we can pass these increased costs on to our customers. This is not a time to increase regulation in order to satisfy the consumer thirst for more content delivered to their doorstep for the same cost that they are currently paying... The economics just do not justify it.

Our company supports the positions taken by WISPA, the Wireless Internet Service Providers Association in their Ex Parte presentation filed on December 10, 2010.

Sincerely,

H. "Rusty" Irvin III
President